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The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General**

Summary

The present report contains replies received from Member States in response to the Secretary-General's note verbale of 19 June 2003 concerning implementation of the relevant provisions of General Assembly resolutions 57/111, entitled "Jerusalem", and 57/112, entitled "The Syrian Golan", both of 3 December 2002.

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* A/58/150.

** The present report is being submitted on 13 August 2003 so as to include as much updated information as possible.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 57/111 and 57/112, both of 3 December 2002. In its resolution 57/111, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In its resolution 57/112, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of Council resolutions 242 (1967) and 338 (1973).

2. In order to fulfil his reporting responsibility under resolutions 57/111 and 57/112, on 19 June 2003 the Secretary-General addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 4 August 2003, replies had been received from Israel, Japan, the Netherlands, Norway, South Africa, Switzerland, the Syrian Arab Republic and Trinidad and Tobago. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Israel

[Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous se sions. In view of the urgent need to bring an end to all acts of violence and terrorism in the region and to further the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudge the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines a fundamental principle of the peace process, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

3. The time to put an end to such biased United Nations resolutions is long overdue, requiring immediate and serious consideration by the Secretary-General. These one-sided resolutions are not only out of touch with reality and anachronistic, they are counterproductive to the very spirit of peace. Rather than promoting a vision that recognizes the rights and obligations of both sides, these resolutions obscure the efforts of the parties to achieve a negotiated outcome, at a moment when encouraging changes in the Middle East region opened a critical window of opportunity in the peace process.

Japan

[Original: English]

1. Steps taken or planned by the Government of Japan concerning the implementation of the relevant provisions of resolutions 57/111 and 57/112 adopted by the General Assembly on 3 December 2003 under the agenda item entitled "The situation in the Middle East", are described below.

1. Resolution 57/111

2. It is the view of the Government of Japan that the Basic Law of Israel of 1980 gives ex post facto legal approval to the annexation of East Jerusalem, which Israel occupied in 1967, and that such a unilateral change to the legal status of an occupied territory is in violation of the relevant United Nations resolutions and cannot be recognized.

3. The Government of Japan considers that, as agreed in the Oslo Accords, the status of Jerusalem should be determined through permanent status negotiations between the Israelis and the Palestinians and that until a solution is achieved through such negotiations both parties should refrain from taking any unilateral actions relating to the situation in Jerusalem. The Government of Japan does not have an office in Jerusalem; its embassy is in Tel Aviv and there are no plans to transfer it.

4. Japan welcomes the positive direction being taken in line with the "road map" and hopes that the dialogue resumed between Israel and Palestine, including talks at the summit level, will continue. Japan will actively continue its efforts to promote peace in order to realize the vision of two States living side by side in peace and security as well as to assist state-building efforts by the Palestinians, which is indispensable to achieving a just and lasting peace, by implementing assistance measures focusing on "human development," "reform" and "confidence-building," as announced during the visit of Foreign Minister Kawaguchi in April 2003.

2. Resolution 57/112

5. In response to the passage by the Knesset in 1981 of the legislation concerning the annexation of the Golan Heights, the Government of Japan issued the following statement through the Minister for Foreign Affairs on 15 December 1981. The fundamental position conveyed therein has not changed.

> "(a) The Knesset adopted the legislation which in effect annexes the Golan Heights on 14 December 1981. Japan cannot condone such a unilateral change to the legal status of an occupied territory by Israel, following the annexation of East Jerusalem in July 1980, which is in total violation of international law and United Nations Security Council resolutions 242 (1967) and 338 (1973).
>
> "(b) The Government of Japan is deeply concerned that such an action would not only impair the atmosphere that exists for the settlement of the Arab-Israeli conflicts through peaceful means, but would also heighten tension in the region.

"(c) On this occasion, the Government of Japan reiterates its strong demand that Israel withdraw from all the territories occupied in 1967 as early as possible."

6. Subsequently, negotiations were conducted between Israel and the Syrian Arab Republic from the end of 1994 until their suspension in January 1996. Discussions were resumed in January 2000, but a conflict of opinion concerning procedural issues caused them to be suspended again and that situation has continued up to the present time. Japan takes the position that a peaceful settlement reached through negotiation is the only realistic option available and hopes that both parties, Israel and the Syrian Arab Republic, will continue to make efforts to achieve peace.

7. Since February 1996, the Government of Japan has maintained a 45-member contingent in the United Nations Disengagement Observer Force operating in the Golan Heights.

The Netherlands

[Original: English]

The Netherlands is in compliance with Security Council resolution 478 (1980). Furthermore, the Netherlands, through the European Union and otherwise, actively participates in and encourages international efforts such as those undertaken by the Quartet for the Middle East aimed at reaching a lasting peace in the region.

Norway

[Original: English]

1. Resolution 57/111. Jerusalem

1. Norway's position remains in accordance with this resolution. Norway actively supports the Quartet road map and related diplomatic efforts that will, it is hoped, lead to a just and lasting solution to all aspects of the conflict.

2. Resolution 57/112. The Syrian Golan

2. Norway's position remains in accordance with this resolution. Norway actively supports the Quartet road map and related diplomatic efforts that will, it is hoped, lead to a just and lasting solution to all aspects of the conflict, including the Syrian track.

South Africa

[Original: English]

1. The steps taken by South Africa to implement General Assembly resolutions 57/111 and 57/112, under the item entitled "The situation in the Middle East", are described below.

1. Background

2. South Africa has consistently expressed its commitment to contribute towards a just, comprehensive and lasting peace to the Middle East conflict, on the basis of Security Council resolutions 242 (1967) and 338 (1973), as well as on the principle of land-for-peace. In that vein, South Africa has expressed support for the road map for peace in the Middle East as a basis upon which a comprehensive Arab-Israeli peace can be forged.

3. South Africa also welcomed the Arab peace initiative of 2002, which offers Israel full peace and full recognition in exchange for its withdrawal from all of the occupied territories and which was endorsed by the ministerial meeting of the Committee on Palestine of the Movement of Non-Aligned Countries, held in Durban on 27 April 2002.

4. In its interaction with all countries in the region, South Africa strives to maintain a principled stance with regard to the complex regional problems, with the emphasis on support for justice and peace. In particular, South Africa has adopted firm positions on the Middle East peace process, including the Syrian and Lebanese tracks.

5. The South African Government has consistently given material and organizational support to events organized to mark the International Day of Solidarity with the Palestinian People.

6. The South African Government has issued a large number of media statements on the Middle East conflict. The following are the key elements that are consistently articulated in public statements of the South African Government:

(a) No preconditions in respect of a total cessation of violence in order to enter into talks;

(b) Condemnation of expanding and building settlements; excessive military force by the Israel Defense Force; extrajudicial killings; re-occupation and incursions into Palestinian towns and refugee camps; blockades and closures; destruction of Palestinian National Authority (PNA) infrastructure and Palestinian-owned property; withholding of revenue owed to the PNA and humiliation of Palestinian citizens and their elected leadership and all forms of collective punishment;

(c) Condemnation of Palestinian suicide bombings and acts of terror against citizens within Israel;

(d) Support for the voices of peace within Israel and Palestine and building a shared vision for a mutually beneficial settlement;

(e) Support for broadening international sponsorship of the Middle East peace process and making it more inclusive;

(f) Support for international initiatives, such as the "Quartet's" road map and the Arab peace initiative of 2002;

(g) Calling for the immediate implementation of the road map without amendments or preconditions;

(h) Violence and counter-violence cannot be allowed to hold the negotiation process hostage.

2. Position of the Movement of Non-Aligned Countries

7. South Africa, as the Chair of the Movement of Non-Aligned Countries (NAM) from October 1998 to February 2003, cooperated in efforts to bring about effective Security Council action with regard to Israel's military assaults on the Palestinian Territories. This has culminated in the adoption of a series of Security Council resolutions in March and April 2002 (resolutions 1397 (2002), 1402 (2002), 1403 (2002) and 1405 (2002)), which South Africa supports fully. South Africa has supported all the efforts of the Secretary-General in this regard.

8. As NAM Chair, South Africa also spearheaded the call for the resumption of the tenth emergency special session of the General Assembly on 7 May 2002. The Assembly called for the immediate implementation of Security Council resolutions and for the Secretary-General to compile a report on the Jenin incident. On 5 August 2002, South Africa again called for a resumed tenth emergency session of the General Assembly to consider the Secretary-General's report on Jenin. South Africa was active in negotiating the draft resolution, which was adopted by an overwhelming margin. The resolution stresses the need to end Israeli occupation and demands the immediate cessation of military actions and all acts of violence, terror, provocation, incitement and destruction, as well as an immediate withdrawal of Israeli forces.

9. Acting in terms of a NAM mandate to engage with key role players in the Middle East peace process, with the aim of working towards a peaceful resolution to the conflict, President Thabo Mbeki, the Minister of Foreign Affairs, Dlamini Zuma, and Deputy Minister of Foreign Affairs, Aziz Pahad, interacted with their counterparts from a wide range of countries in all regions of the world. The NAM Committee on Palestine meeting, held on 27 April 2002, further mandated the Chair to organize a delegation to visit Palestine and to meet with President Arafat, in expression of solidarity with the President and people of Palestine. Minister Dlamini Zuma led a delegation of NAM Ministers to visit President Arafat under siege in his office compound in Ramallah in June 2002.

10. South Africa, when Chair of NAM, consistently called for clarity on what would constitute a Palestinian State, and for commitments by Israel and the United States to specific outcomes in this regard, namely, an economically and politically viable State based on the 1967 borders, including East Jerusalem; a concrete plan to bring the settlers out of the West Bank; a satisfactory solution to the question of Palestinian refugees; the sharing of Jerusalem; recognition of Israel by the Arab States; and real security for both Israel and Palestine. This is the consistently expressed South African vision for the basis of a just and lasting Israeli-Palestinian peace.

3. Presidential peace initiative

11. The South African example of conflict resolution, negotiating a settlement and transforming society continues to inspire those parties in Israel and Palestine committed to finding a peaceful solution to the conflict. This was demonstrated by the success of the Presidential Peace Retreat, hosted by President Thabo Mbeki at Spier Wine Estate near Cape Town in January 2002. Israeli and Palestinian delegations, who had last met during the negotiations in Taba in 2001, spent three days engaging with a South African delegation of present and former ministers.

12. The principle aim of the Retreat was to support the strengthening of the peace camps in Palestine and Israel as well as the general dynamic towards peace in the region. The event concluded with the issuing of the Spier Three Party Communiqué, which demonstrates the spirit of commitment to dialogue and partnership for peace between the three parties present.

13. The key strategic engagement of South Africa with the Middle East conflict, as clearly shown by the Spier Presidential Peace Retreat of January 2002, remains the strengthening of the "peace camps" in both Israel and Palestine; sharing the South African experience with a wide cross-section of Israeli and Palestinian civil society and government; assisting the Palestinian reform process, and supporting international peace efforts.

4. Activities undertaken in relation to the Spier presidential peace initiative

14. The main activities of 2002 were as follows:

(a) A visit by representatives of the Israeli war resisters' movement, The Courage to Refuse, hosted by the Centre for Conflict Resolution in Cape Town;

(b) The Deputy Minister led a delegation for consultations with counterparts from the United Kingdom and France on the kind of support South Africa can offer the Palestinian reform process, while maintaining contact with the Israeli side;

(c) A study tour by senior officials from the Palestinian Ministry of Planning and International Cooperation (MOPIC) took place in October 2003. MOPIC explored the process from negotiations through to the transformation of government structures that South Africa has undertaken;

(d) Palestine academics visited South Africa in November 2002. The visit focused on interaction with South African academic institutions, non-governmental organizations and media;

(e) A South Africa delegation visited Israel and Palestine in October 2002 to broaden the scope of Israelis and Palestinians exposed to the South African experience.

15. The main activities during the first quarter of 2003 were as follows:

(a) The Palestinian Constitutional Committee visited South Africa to study the South African experience of constitution-making, the role of the Constitution in the negotiation process and the mechanisms developed to safeguard and uphold the values of the constitution;

(b) Members of the Palestinian Legislative Council undertook a study tour to South Africa in January 2003 to investigate the South Africa human rights legislation and its implementation;

(c) An Israeli security and intelligence group, comprising high-level retired generals of the Israel Defense Force, intelligence officials and academics, visited South Africa in February 2003. The aim of the visit was to assist in developing alternative concepts and frameworks around security issues in the region.

5. The road map for peace in the Middle East

16. South Africa has called for the immediate implementation of the "road map",

without preconditions, in line with the positions adopted by "key players", including the United Nations, the European Union and the Quartet. South Africa has called on all parties to the conflict in Israel and Palestine to demonstrate responsibility in avoiding actions that could add to an already volatile situation. It called for the Palestinian Authority's progress on the road of reform to be recognized internationally and supported locally through similar confidence-building measures on the side of the Israeli Government.

17. South Africa has consistently pledged its support for the road map and remains committed to its immediate implementation without preconditions or reservations.

6. Aqaba Summit

18. South Africa has welcomed the positive outcome of the Aqaba Summit, which effectively reopened direct negotiations between the Israeli and the Palestinian leaderships. South Africa also welcomed both the commitment of Prime Minister Sharon to a two-State solution and the immediate dismantling of illegal settlement outposts, as well as Prime Minister Mahmoud Abbas' call for an end to violence. The pledges made by both parties in Aqaba demonstrate a clear commitment by the respective leaderships of Israel and Palestine to creating the necessary conditions for a peaceful resolution to the conflict.

19. The South African Government will continue to give close attention to the situation in the Middle East and will spare no effort to assist both Israelis and Palestinians to achieve the peace that both peoples deserve.

Switzerland

[Original: French]

1. Switzerland has often expressed its deep concern about the evolution of the situation in the Middle East, recalling the respective and specific obligation of the parties under international humanitarian law.

2. With respect to resolution 57/111, adopted by the General Assembly at its fifty-seventh session, on 3 December 2002, and in conformity with Security Council resolution 476 (1980), which reiterates that all measures that have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void, Switzerland considers that the extension of Israeli sovereignty to East Jerusalem constitutes a unilateral act that is contrary to international law and thus unacceptable.

3. Switzerland recalls that, in accordance with Security Council resolution 478 (1980), the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (fourth Geneva Convention), applies to all the territories in question, including the Golan Heights. In full conformity with General Assembly resolution 57/111, Switzerland believes that the final status of Jerusalem can only be settled by negotiations between all the parties concerned, on the basis of international law. The outcome of such negotiations must be to ensure free access to their holy places by people of all religions.

4. With respect to resolution 57/112, adopted by the General Assembly at its fifty-seventh session, on 3 December 2002, Switzerland believes that any

comprehensive settlement of the problems in the Middle East must include an adequate solution under international law to the problem of the occupied Syrian Golan Heights. In accordance with Security Council resolution 497 (1981), Switzerland believes that the imposition of Israeli jurisdiction in the Golan Heights is an unacceptable unilateral act. Furthermore, Switzerland recalls that the fourth Geneva Convention is also applicable de jure in the occupied Syrian Golan. In accordance with Assembly resolution 57/112, Switzerland strongly encourages the resumption of the peace process by all the parties concerned.

Syrian Arab Republic

[Original: Arabic]

1. The Syrian Arab Republic supported General Assembly resolution 57/112, entitled "The Syrian Golan", and reaffirms the need for and inevitability of an end to the Israeli occupation of the Syrian Golan and compliance with Security Council resolution 497 (1981) of 17 December 1981.

2. That resolution states that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect, and demands that Israel should rescind forthwith its decision. It should also comply with the General Assembly resolutions pertaining to the Syrian Golan, including resolution 57/128 and, in particular, paragraphs 2-5 thereof, which call upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan. The resolution further calls upon Israel to desist from the establishment of settlements and determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect. The resolution also calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from taking repressive measures against the population of the occupied Syrian Golan.

3. The Syrian Arab Republic also expresses its support for General Assembly resolution 57/111, entitled "Jerusalem", and urges the international community to bring pressure to bear on Israel to end its occupation of the territories that it has occupied since 1967, including Jerusalem, and to comply with Security Council resolution 478 (1980) of 20 August 1980, in which it was decided not to recognize the "basic law" enacted by Israel concerning Jerusalem. The resolution further determines that all legislative and administrative measures and actions taken by Israel in that regard are null and void and must be rescinded forthwith. The Syrian Arab Republic urges all States to comply completely with the provisions of resolution 57/111 and, in particular, of the third preambular paragraph thereof, which refers to Security Council resolution 478 (1980) of 20 August 1980. That resolution called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to abide by the provisions of the relevant United Nations resolutions.

Trinidad and Tobago

[Original: English]

1. With regard to the implementation of General Assembly resolution 57/111, the Government of Trinidad and Tobago has not taken nor envisages taking any steps, given that Trinidad and Tobago has no diplomatic representation in Israel.

2. With regard to the implementation of General Assembly resolution 57/112, the Government of Trinidad and Tobago has not taken nor envisages taking any steps, given that Security Council resolutions 242 (1967) and 338 (1973) do not place any obligations on Trinidad and Tobago.